

REMARKS/ARGUMENTS

Claims 1-31 are pending in this application. By this Amendment, claims 1-6, 14-18, 26 and 29-31 are amended. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. §102(e)

The Office Action rejects claims 1-31 under 35 U.S.C. 102(e) over U.S. Patent No. 6,781,971 to Davis et al. (hereinafter "Davis"). The rejection is respectfully traversed.

Davis discloses a mobile communication system that is used to carry voice traffic between base stations and mobile communication terminals. Davis recognizes that to accomplish the delivery of the voice stream, it is necessary to also communicate some signaling message traffic. The signaling message traffic is used for things like call setup, hand offs between base stations and the like. Davis recognizes that when it becomes necessary to send signaling messages, the transmission of the signaling messages may delay the voice stream, which can result in degraded sound quality, or even missed sections of the voice stream.

To minimize the problems caused when signaling messages are transmitted, Davis teaches the use of a prioritization controller. In the Davis system, the transmission queue is separated into two streams: one for producing voice encoded data packets and the other stream for signaling message data packets. The prioritization controller arbitrates between the voice encoded data packets and the signaling message data packets in order to prioritize the signaling

traffic. The prioritization controller attempts to limit the transmission of signaling message traffic to times when there is a pause in the voice stream, to thereby minimize any disruption or degradation of the voice stream.

Claim 1 is directed to a method for providing simultaneous voice and data (SVD) service in a mobile communication system. Claim 1 recites performing SVD call processing that supports SVD service between mobile terminals and base stations by using a SVD service option. Claim 1 further recites providing SVD service by at least one of transmitting and receiving voice and packet data using radio link protocol (RLP) frames after service negotiation using the SVD service option is completed.

As noted above, the Davis system is only configured to provide voice service. The Davis system is incapable of providing a data service in addition to the voice service. The call signaling traffic carried by the Davis system is not a data service. Instead, the call signaling traffic is used for call control and administrative tasks. For at least this reason, it is respectfully submitted that Davis fails to disclose or suggest a method of providing simultaneous voice and data service, as recited in claim 1.

In addition, claim 1 requires that the mobile communication system first perform call processing to set up a call using one SVD service option. As explained in the specification, this would mean setting up a call using only the voice service option, or only the data service option. Claim 1 then requires providing simultaneous voice and data service using radio link protocol frames after the call service has been set up for only one of the voice or data service options.

Because Davis does not disclose a system capable of providing data service, Davis necessarily fails to disclose or suggest setting up a call using one service option (voice or data), and then subsequently providing simultaneous voice and data service. For this additional reason, it is respectfully submitted that claim 1 is allowable over Davis.

Dependent claims 2-13 are allowable over Davis for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Regarding independent claim 14, Davis does not teach or suggest performing SVD call processing that supports SVD service through SVD request signaling message exchange, when SVD service is requested after packet data call setup between a mobile terminal and a base station is completed. As noted above, Davis does not even provide a data service, and thus necessarily does not even provide SVD service. Moreover, Davis fails to disclose or suggest providing SVD service by at least one of transmitting and receiving voice and packet data using a radio link protocol (RLP) frame after service negotiation is completed through the SVD request signaling message exchange. For at least these reasons, it is respectfully submitted that claim 14 is allowable.

Dependent claims 15-25 are allowable over Davis for the reasons discussed above with respect to independent claim 14, from which they depend, as well as for their added features.

Regarding independent claim 26, Davis does not teach nor suggest a mobile communication apparatus that includes a service interface having a voice radio link protocol (RLP) module and a data RLP module at a MAC sub-layer, wherein the apparatus is configured

to transmit and/or receive voice and packet data together using RLP frames. As noted above, Davis fails to disclose or suggest any type of simultaneous voice and data service. For at least these reasons, it is respectfully submitted that claim 26 is allowable.

Dependent claims 27-31 are allowable over Davis for the reasons discussed above with respect to independent claim 26, from which they depend, as well as for their added features.

In view of all of the foregoing, withdrawal of the rejection of claims 1-31 over Davis is respectfully requested.

II. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **John C. Eisenhart**, at the telephone number listed below.


To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



John C. Eisenhart
Registration No. 38,128

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 JCE:HDG:lh

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Please direct all correspondence to Customer Number 34610